

STUART RABNER
ATTORNEY GENERAL OF NEW JERSEY
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07102
Attorney for New Jersey State Board of Physical Therapy Examiners

FILED
BOARD OF PHYSICAL THERAPY

JUN 04 2007

By: Carmen A. Rodriguez
Deputy Attorney General
(973) 648-3696

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHYSICAL THERAPY EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

MARICEL LAZO, P.T.
License No.40QA01012000

Administrative Action

CONSENT ORDER

TO PRACTICE PHYSICAL THERAPY
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Physical Therapy Examiners (hereinafter "the Board") upon receipt of information from Ms. Lazo's employer at Monmouth Advanced Medicine, LLC that he was notified by the New Milford Police Department that Ms. Lazo, ("the Respondent"), had copied eight (8) patient records from his office and had given confidential information to a friend of hers. The employer further advised that the Respondent was terminated from her employment as a physical therapist at his facility and that all of the patients were notified of the event and the need for security was reinforced at his facility.

On March 13, 2007 Respondent appeared with counsel, Steven M. Gabor, Esq., at an investigative inquiry into the matter held by the Board. Respondent testified that she copied eight random patient records at the request of a friend who wanted to help another friend who was unemployed and on probation for embezzlement. The records that were copied included the names and addresses and social security numbers of the eight (8) patients. Although Respondent was terminated from her employ at Monmouth Advance Medicine, LLC she is currently employed as a physical therapist in the office of Dr. Korb, D.C. on a part time basis and at Monroe Physical Therapy. She also testified that both employers are aware of the reason for her termination of employment at Monmouth Advance Medicine, LLC.

Respondent testified that in her educational training that was obtained in the Philippines she was taught that the diagnosis and information about the disease was confidential and that "there was nothing in her ethics class about keeping patient information from people who have no need to have it." It was respondent's further testimony that she did not think that confidentiality applied to a patient's name or address (T 14:5-23). Respondent acknowledged that she had some knowledge of the Health Insurance Portability and Accountability Act (HIPAA) but claimed she was not well versed on it.

Having reviewed the entire record, including the testimony and submissions of respondent at the investigative inquiry, it appears to the Board that the Respondent's actions in copying the personal information of eight patients and turning them over to a "friend" constituted professional misconduct in violation of N.J.S.A. 45:1-21(e) and a serious and egregious breach of confidentiality of patient information and records which

establishes a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(e). It appearing that respondent desires to resolve this matter without admissions and without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 4th DAY OF June, 2007

HEREBY ORDERED AND AGREED THAT:


1. Respondent's license to practice physical therapy is suspended for one year. The Respondent shall cease and desist from engaging in the practice of Physical Therapy effective two weeks after the service of the filed order. At the completion of one year the Respondent may apply for reinstatement of her license to practice physical therapy and shall appear before the Board or a committee of the Board to discuss her employment plans.
2. Respondent shall complete a three credit Physical Therapy Ethics course which shall be pre-approved by the Board. The course shall be taken at an accredited physical therapy school at an accredited university or college. The Board shall not approve a general ethics course sponsored as a continuing education course. Pursuant to N.J.A.C. 39A-9.2(d) this ethics course is considered remedial and shall not qualify to fulfill the continuing professional education credits required for biennial license renewal.
3. Respondent is formally reprimanded for the conduct described above which constitutes professional misconduct.

4. Respondent is hereby assessed a civil penalty in the amount of \$4,000 for a violation of N.J.S.A. 45:1-21(e) for compromising the confidentiality of the patient information of eight patients. The Board will permit the Respondent to pay the civil penalty in installment payments over 18 months. The first payment of \$222.22 is payable no later than thirty (30) days from the entry of this Consent Order or on June 8, 2007. Payment for the civil penalties totaling \$4000.00 shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Susan Gartland, Executive Director of the Board of Physical Therapy Examiners, at P.O. 45014, Newark, New Jersey, 07102. Default of any monthly installment payment will result in the remaining balance to be due and owing in full immediately.

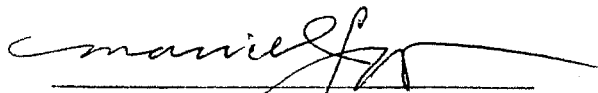
5. Respondent is hereby assessed the costs of the investigation to the State in this matter in the amount of \$ 315.00. Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board no later than thirty (30) days from the entry of this Consent Order. Payment shall be sent to the attention of Susan Gartland at the address described in paragraph #4.

6. Failure to remit any payment required by this Order will result in the filing of a certificate of debt, and may result in further disciplinary proceedings.

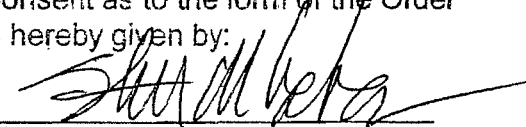
NEW JERSEY STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

By:  PT, DPT, PhD 40QAC00099100
Nancy Kirseh
Chairperson

I have read and understand
the within Consent Order and
agree to be bound by its terms. Consent is
hereby given to the Board to
enter this Order.


Maricel Lazo, P.T.

Consent as to the form of the Order
is hereby given by:


Steven Gabor, Esquire